



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 9, 1998

Mr. Charles H. Wilson
Assistant City Attorney
Criminal Law and Police Division
Office of the City Attorney
City Hall
Dallas, Texas 75201

OR98-0642

Dear Mr. Wilson:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 113587.

You inform us that the Dallas Police Department (the "department") received a request for copies of all 911 calls for police service from October 1993 through October 1995 at the Glen Apartment Complex in Dallas. Apparently you have released all of the responsive information to the requestor with the exception of some information contained in service # 0660584C. You explain that this information identifies a sexual assault victim, and, therefore, you believe the information is excepted from disclosure under section 552.101 of the Government Code.

Pursuant to section 552.301(b) of the Government Code, a governmental body is required to submit to this office (1) general written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld, (2) a copy of the written request for information, and (3) a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the documents. You did not, however, submit to this office a copy of the written request for information.

Pursuant to section 552.303(c) of the Government Code, this office notified you by facsimile on January 16, 1998, that you had failed to submit the information required by section 552.301(b). We requested that you provide this information to our office within seven days from the date of receiving the notice. The notice further stated that under section 552.303(e) of the Government Code failure to comply would result in the legal presumption that the information at issue is public information.

You did not provide our office with the information that was requested. Therefore, as provided by section 552.303(e), the information at issue is presumed to be public information. However, where information is made confidential by other law, a compelling reason exists to overcome the presumption that information is open under section 552.303(e). *See* Open Records Decision No. 150 (1977). Because you contend that the information at issue is confidential by law, we will consider your arguments against disclosure to be compelling.

Section 552.101 of the Government Code excepts from disclosure information considered to be confidential by law, either constitutional, statutory, or by judicial decision. Information must be withheld from disclosure under section 552.101 in conjunction with the common-law right to privacy if (1) the information contains highly intimate or embarrassing facts the release of which would be highly objectionable to a reasonable person, and (2) the information is not of legitimate concern to the public. *Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 683-85 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). In Open Records Decision No. 339 (1982), we concluded that a sexual assault victim has a common-law privacy interest which prevents the disclosure of information that would identify her/him. We conclude that the department must withhold the name and address of the sexual assault victim from disclosure under section 552.101 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 113587

Enclosures: Submitted document

cc: Mr. Billy Prince
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(w/o enclosures)